

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

LOUELLA FUSON,

Plaintiff,

v.

No. 19-cv-1167 JAP/SMV

**ROSAMOND FISKE STRONG and
SAFECO INSURANCE COMPANY OF AMERICA,**

Defendants.

**ORDER VACATING AND RESETTING SETTLEMENT CONFERENCE
AND RELATED DEADLINES**

THIS MATTER is before the Court on a stipulated request from the parties to vacate the settlement conference and reschedule it for a later date to allow for more discovery. The Settlement Conference set for March 26, 2021, will be vacated and reset for **May 6, 2021, at 9:30 a.m. MDT** via **Zoom**. All individuals attending the Settlement Conference must familiarize themselves with Zoom prior to the Settlement Conference.

The parties or a designated representative, other than counsel of record, with final settlement authority, must attend via Zoom. Counsel who will try the case must also attend via Zoom. Those attending the settlement conference must treat as confidential the information discussed, positions taken, and offers made by other participants in preparation for and during the conference.¹ *See generally Hand v. Walnut Valley Sailing Club*, No. 11-3228, 2012 WL 1111137 (10th Cir. Apr. 2, 2012) (unpublished) (affirming dismissal of case as sanction for violating

¹ This does not prohibit disclosures stipulated to by the parties, necessary in proceedings to determine the existence of a binding settlement agreement, or as otherwise required by law.

confidentiality of settlement conference). Counsel shall advise their clients regarding appropriate attire for appearance in federal court.

No later than **5:00 p.m. on April 29, 2021**, each party must provide the Court, in confidence, a concise position statement (typically no more than ten pages) containing an analysis of the strengths and weaknesses of its case and the names of the individuals who will be attending the conference and in what capacity. Position statements must be submitted to the Court by e-mail at VidmarChambers@nmd.uscourts.gov.²

No later than **5:00 p.m. on April 29, 2021**, before each party must provide the Court a list of the names of the individuals who will be attending the Settlement Conference and in what capacity. **This list must include the e-mail addresses and phone numbers for each attorney attending the Settlement Conference.** The Court must receive this information in order to (1) send counsel the Meeting ID and Password for the Zoom Settlement Conference, and (2) immediately communicate with counsel during the Settlement Conference should there be technical difficulties with Zoom. This list must be submitted to the Court by e-mail at VidmarChambers@nmd.uscourts.gov.³

Furthermore, if any party has in its possession any video or audio recording of the incident upon which this action is based, that party must submit a copy of the recording to the Court no later than **5:00 p.m. on April 29, 2021**.

² Each e-mail message and its attachments cannot exceed 45 MB. Data exceeding 45 MB should be submitted in individual e-mail messages, each less than 45 MB.

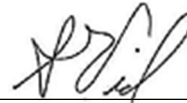
³ Each e-mail message and its attachments cannot exceed 45 MB. Data exceeding 45 MB should be submitted in individual e-mail messages, each less than 45 MB.

The Settlement Conference will not be vacated or rescheduled except upon motion and for good cause shown. Any motion to vacate or reschedule the Settlement Conference shall provide the Court with sufficient notice to ensure that other matters may be scheduled in the time allotted for the Settlement Conference.

The Court may contact counsel ex parte prior to the Settlement Conference to discuss the Settlement Conference.

IT IS THEREFORE ORDERED that the Settlement Conference set for March 26, 2021, is **VACATED** and **RESET** for **May 6, 2021, at 9:30 a.m. MDT**. The parties' confidential position statements are due to the Court by **5:00 p.m. on April 29, 2021**.

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge